UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/INF/48/7
16 December 1993

ORIGINAL: ENGLISH

Forty-eighth session

UNITED NATIONS ADMINISTRATIVE TRIBUNAL

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly, for their information, the attached note from the United Nations Administrative Tribunal to the President of the General Assembly.

ANNEX

Annual note by the United Nations Administrative Tribunal

1. At its third plenary session, held in Paris on 20 December 1951, the Administrative Tribunal decided to submit a note each year to the President of the General Assembly. In accordance with this decision, the following note is submitted in respect of the year 1993.

I. APPOINTMENT OF MEMBERS OF THE TRIBUNAL BY THE GENERAL ASSEMBLY

2. At its 94th plenary meeting, on 23 December 1992, the General Assembly, on the recommendation of the Fifth Committee (see A/47/839), appointed Mr. Jerome Ackerman and Mr. Francis Spain as members of the United Nations Administrative Tribunal for a three-year term of office beginning on 1 January 1993.

II. COMPOSITION OF THE TRIBUNAL DURING 1993

3. In 1993, the Tribunal was composed of the following members:

Mr. Jerome Ackerman, President
Mr. Samar Sen, First Vice-President
Mr. Luis de Posadas Montero, Second Vice-President
Mr. Ioan Voicu
Mr. Mikuin Leliel Balanda
Mr. Hubert Thierry
Mr. Francis Spain

III. FORTY-FOURTH PLENARY SESSION

4. The Tribunal met in annual plenary session in New York on 17 November 1993, pursuant to article 5, paragraph 1, of its rules. All members were present.

IV. JUDGEMENTS DELIVERED DURING 1993

5. In 1993, the Tribunal held two sessions, one in Geneva from 1 June to 2 July, and one in New York from 18 October to 19 November. The composition of the panels and the corresponding judgements rendered are as follows:

Case No. 533: Kofi

(Kofi against the Secretary-General of the United Nations)
(Request for revision of Judgement No. 519)
Judgement AT/DEC/630

New York, 25 October to 18 November 1993

Mr. Sen, presiding
Mr. Voicu
Mr. Balanda

* * *

Case No. 576: Clermont

(Clermont against the Secretary-General of the United Nations)
(Request by United Nations General Service staff member for review of classification of his post)
Judgement AT/DEC/600

Geneva, 7 to 29 June 1993

Mr. Ackerman, President
Mr. Posadas
Mr. Thierry

* * *

Case No. 593: Colayco

(Colayco against the Secretary-General of the United Nations)
(Request by United Nations General Service staff member for review of classification of her post)
Judgement AT/DEC/597

Geneva, 7 to 29 June 1993

Mr. Ackerman, President
Mr. Posadas
Mr. Thierry

* * *

Case No. 594: Nicolas

(Nicolas against the Secretary-General of the United Nations)
(Request by United Nations General Service staff member for review of classification of her post)
Judgement AT/DEC/598

Geneva, 7 to 29 June 1993

Mr. Ackerman, President
Mr. Posadas
Mr. Thierry

* * *

Case No. 597: Chantre-Circu

(Chantre-Circu against the Secretary-General of the United Nations)
(Request by United Nations General Service staff member for review of classification of her post)
Judgement AT/DEC/603

Geneva, 7 to 29 June 1993

Mr. Ackerman, President
Mr. Posadas
Mr. Thierry

* * *

Case No. 599: Sharma

(Sharma against the Secretary-General of the United Nations)
(Request by United Nations General Service staff member for review of classification of his post)
Judgement AT/DEC/604

Geneva, 7 to 29 June 1993

Mr. Ackerman, President
Mr. Posadas
Mr. Thierry

* * *

Case No. 603: Gardner

(Gardner against the Secretary-General of the United Nations)
(Request by United Nations General Service staff member for review of classification of her post)
Judgement AT/DEC/605

Geneva, 7 to 29 June 1993

Mr. Ackerman, President
Mr. Posadas
Mr. Thierry

* * *

Case No. 606: Szenttornyay

(Szenttornyay against the Secretary-General of the United Nations)
(Claim by United Nations General Service staff member that the Respondent's failure to classify her functions at the G-7 level resulted in a violation of her rights)
Judgement AT/DEC/618

New York, 22 October to 3 November 1993

Mr. Ackerman, President
Mr. Posadas
Mr. Balanda

* * *

Case No. 607: Calder

(Calder against the Secretary-General of the United Nations)
(Request by United Nations General Service staff member for review of classification of his post)
Judgement AT/DEC/602

Geneva, 7 to 29 June 1993

Mr. Ackerman, President
Mr. Posadas
Mr. Thierry

* * *

Case No. 613: Jefferson

(Jefferson against the Secretary-General of the United Nations)
(Request by United Nations General Service staff member for review of classification of his post)
Judgement AT/DEC/601

Geneva, 7 to 29 June 1993

Mr. Ackerman, President
Mr. Posadas
Mr. Thierry

* * *

Case No. 626: Bernardel

(Bernardel against the Secretary-General of the United Nations)
(Request by United Nations General Service staff member for review of classification of her post)
Judgement AT/DEC/599

Geneva, 7 to 29 June 1993

Mr. Ackerman, President
Mr. Posadas
Mr. Thierry

* * *

Case No. 634: Abbassene

(Abbassene against the Secretary-General of the United Nations)
(Claim by former UNDP staff member for reinstatement and rescission of decision to terminate his permanent appointment)
Judgement AT/DEC/609

Geneva, 2 June to 1 July 1993

Mr. Posadas, presiding
Mr. Balanda
Mr. Thierry

* * *

Case No. 636: Hunde

(Hunde against the Secretary-General of the United Nations)
(Claim by former United Nations staff member for reinstatement and compensation on the ground that the non-extension of his appointment constituted a veiled disciplinary measure)
Judgement AT/DEC/614

New York, 21 October to 4 November 1992
New York, 21 October to 3 November 1993

Mr. Ackerman, President
Mr. Thierry
Mr. Spain

* * *

Case No. 639: Qader

(Qader against the Secretary-General of the United Nations)
(Claim by UNDP staff member whose status was converted in 1983 from the Field Service to the Professional category, that the payment of two additional steps recommended by the JAB be made retroactive to the date of the conversion)
Judgement AT/DEC/593

Geneva, 11 to 28 June 1993

Mr. Ackerman, President
Mr. Sen
Mr. Balanda

* * *

Case No. 640: Ortega
Case No. 647: Hernandez
Case No. 648: Canales
Case No. 660: Garcia

(Ortega, Hernandez, Canales and Garcia against the Secretary-General of the United Nations)
(Claim by former ECLA technical assistance experts for reinstatement and/or compensation on the ground that the non-extension of their fixed-term appointments constituted a disciplinary measure without the required disciplinary proceedings)
Judgement AT/DEC/610

Geneva, 8 June to 1 July 1993

Mr. Posadas, presiding
Mr. Thierry
Mr. Spain

* * *

Case No. 641: Besosa

(Besosa against the Secretary-General of the United Nations)
(Claim by UNICEF General Service staff member that she was denied the position of Senior Statistical Assistant on the basis of criteria not specified in the vacancy notice)
Judgement AT/DEC/613

Geneva, 14 June to 2 July 1993

Mr. Sen, presiding
Mr. Voicu
Mr. Spain

* * *

Case No. 643: Al-Atraqchi

(Al-Atraqchi against the Secretary-General of the United Nations)
(Claim by United Nations staff member that the selection of an ICSC staff member for a D-1 post for which the Applicant applied constituted "selection of an external candidate" in violation of staff regulation 4.4 and of the VMS procedures)
Judgement AT/DEC/633

Geneva, 3 to 24 June 1993
New York, 19 October to 19 November 1993

Mr. Ackerman, President
Mr. Posadas
Mr. Voicu

* * *

Case No. 645: Shousha

(Shousha against the United Nations Joint Staff Pension Board)
(Claim by pensioner that observance by the UNJSPB of the pension adjustment "floor rate" transitional provisions established by the General Assembly in its resolution 42/222 of 21 December 1987, in denying his request for an adjustment, was arbitrary and illegal)
Judgement AT/DEC/589

Geneva, 10 to 23 June 1993

Mr. Ackerman, President
Mr. Sen
Mr. Balanda

* * *

Case No. 646: Paraiso

(Paraiso against the Secretary-General of the United Nations)
(Claim for additional compensation by United Nations staff member for damage to his personal and household effects. Claim for compensation on the ground that his career development was prejudiced by a series of temporary assignments between 1 September 1975 and 31 May 1985, which prevented his promotion to the P-5 level)
Judgement AT/DEC/606

Geneva, 11 to 30 June 1993

Mr. Sen, presiding
Mr. Balanda
Mr. Thierry

* * *

Case No. 649: Del Rosario-Santos

(Del Rosario-Santos againt the Secretary-General of the United Nations)
(Claim by UNICEF General Service staff member that the decision not to select her for the position for which she applied, violated her rights)
Judgement AT/DEC/594

Geneva, 14 to 28 June 1993

Mr. Ackerman, President
Mr. Sen
Mr. Voicu

* * *

Case No. 650: Traore

(Traore against the Secretary-General of the United Nations)
(Claim by former United Nations staff member for reinstatement and for the renewal of his intermediate term appointment, on the ground that his separation resulted from improper use by ECA of an outside audit report relating to his former employment)
Judgement AT/DEC/611

Geneva, 8 June to 1 July 1993

Mr. Posadas, presiding
Mr. Thierry
Mr. Spain

* * *

Case No. 651: Douville

(Douville against the Secretary-General of the United Nations)
(Claim by internationally recruited United Nations General Service staff member for retroactive payment of allowances granted to her prospectively after Judgement No. 408: Rosetti)
Judgement AT/DEC/596

Geneva, 9 to 29 June 1993

Mr. Posadas, presiding
Mr. Thierry
Mr. Spain

* * *

Case No. 652: Sampaio

(Sampaio against the Secretary-General of the United Nations)
(Claim by United Nations staff member for reimbursement, in the correct amount, of medical expenses due to her under the Geneva Staff Mutual Insurance Society scheme. Claim that reimbursement using the rate of exchange on the date of payment to her by the Society, instead of the date of the expenditure by her, was discriminatory and violated the Tribunal's jurisprudence)
Judgement AT/DEC/595

Geneva, 4 to 28 June 1993

Mr. Sen, presiding
Mr. Posadas
Mr. Spain

* * *

Case No. 653: Udovik

(Udovik against the Secretary-General of the United Nations)
(Claim by former United Nations staff member that the refusal to implement the reclassification of her post from the G-4 to the G-6 level, retroactive to 1 January 1985, violated her rights)
Judgement AT/DEC/591

Geneva, 3 to 25 June 1993

Mr. Ackerman, President
Mr. Voicu
Mr. Balanda

* * *

Case No. 654: Pennacchi

(Pennacchi against the Secretary-General of the United Nations)
(Claim by former UNICEF staff member that the decision to terminate her appointment because of the abolition of her post was related to prior disciplinary proceedings which had been instituted against her (see Judgement No. 542) and therefore constituted an abuse of administrative discretion)
Judgement AT/DEC/608

Geneva, 9 June to 1 July 1993

Mr. Posadas, presiding
Mr. Balanda
Mr. Thierry

* * *

Case No. 655: Darlington

(Darlington against the Secretary-General of the International Maritime Organization)
(Claim by IMO staff member, not a citizen of the United Kingdom, that she was entitled to exemption from the payment of municipal rates under the Headquarters Agreement)
Judgement AT/DEC/588

Geneva, 4 to 23 June 1993

Mr. Ackerman, President
Mr. Voicu
Mr. Spain

* * *

Case No. 656: Thollon

(Thollon against the Secretary-General of the United Nations)
(Claim by United Nations staff member for the implementation of the recommendations by a Panel on Discrimination and by the JAB, that he be transferred, on compassionate grounds, to a P-4 level post in Geneva)
Judgement AT/DEC/607

Geneva, 11 to 30 June 1993

Mr. Sen, presiding
Mr. Thierry
Mr. Balanda

* * *

Case No. 657: Sue-Ting-Len

(Sue-Ting-Len against the Secretary-General of the United Nations)
(Claim by United Nations staff member that she should be assigned to the P-3 post for which she applied)
Judgement AT/DEC/592

Geneva, 10 to 25 June 1993

Mr. Sen, presiding
Mr. Voicu
Mr. Spain

* * *

Case No. 658: Abdala et al.

(Abdala et al. against the Secretary-General of the United Nations)
(Claim by General Service ESCWA staff, locally recruited in Beirut, who had been transferred to Baghdad as internationally recruited staff, that the decision by the Secretary-General to phase out their rental subsidy in Baghdad violated their rights)
Judgement AT/DEC/590

Geneva, 7 to 25 June 1993

Mr. Ackerman, President
Mr. Sen
Mr. Balanda

* * *

Case No. 659: Araim

(Araim against the Secretary-General of the United Nations)
(Claim by United Nations staff member that his non-appointment to the D-1 post of Secretary of the Special Committee against Apartheid violated staff regulation 4.4 and was based on discrimination against him)
Judgement AT/DEC/622

Geneva, 3 to 24 June 1993
New York, 19 October to 12 November 1993

Mr. Ackerman, President
Mr. Sen
Mr. Voicu

* * *

Case No. 661: Burnett
Case No. 662: Fournigault
Case No. 663: Gil
Case No. 664: Lopez
Case No. 665: Nogales

(Burnett, Fournigault, Gil, Lopez and Nogales against the Secretary-General of the International Maritime Organization)
(Claim by IMO staff members to be granted international recruitment status, together with the corresponding benefits. Claim that inconsistency by the Secretary-General in recruiting internationally and locally for posts in the French and Spanish Word Processing Unit, was an improper application of staff rule 104.6)
Judgement AT/DEC/612

Geneva, 9 June to 1 July 1993

Mr. Posadas, presiding
Mr. Thierry
Mr. Spain

* * *

Case No. 666: Davidson

(Davidson against the Secretary-General of the United Nations)
(Claim by widow of former UNHCR staff member that his death was attributable to the performance of official duties on behalf of the Organization under Appendix D to the Staff Rules)
Judgement AT/DEC/587

Geneva, 2 to 15 June 1993

Mr. Ackerman, President
Mr. Voicu
Mr. Spain

* * *

Case 667: de Brandt-Dioso

(de Brandt-Dioso against the Secretary-General of the United Nations)
(Claim by United Nations General Service staff member that her post should be classified at the Professional level)
Judgement AT/DEC/617

New York, 21 October to 3 November 1993

Mr. Ackerman, President
Mr. Posadas
Mr. Thierry

* * *

Case No. 668: Zinna

(Zinna against the Secretary-General of the United Nations)
(Claim by United Nations staff member that his rights were adversely affected by the alleged non-observance of the VMS procedures, resulting in the appointment of a staff member other than himself to the position for which he applied)
Judgement AT/DEC/627

New York, 25 October to 16 November 1993

Mr. Ackerman, President
Mr. Balanda
Mr. Thierry

* * *

Case No. 670: Miller

(Miller against the Secretary-General of the International Civil Aviation Organization)
(Claim by ICAO staff member that the decisions to place a written reprimand on his file and to delay the grant of a step increase were improper)
Judgement AT/DEC/623

New York, 29 October to 12 November 1993

Mr. Sen, presiding
Mr. Voicu
Mr. Spain

* * *

Case No. 671: Berrezoug

(Berrezoug against the Secretary-General of the United Nations)
(Claim by United Nations General Service staff member that her post should have been classified at the Professional level, pursuant to a recommendation by the Panel on Discrimination, which the Respondent rejected)
Judgement AT/DEC/621

New York, 28 October to 9 November 1993

Mr. Ackerman, President
Mr. Posadas
Mr. Balanda

* * *

Case No. 672: de Rozario-Miller

(de Rozario-Miller against the Secretary-General of the United Nations)
(Claim by United Nations staff member that she did not receive fair and impartial consideration for promotion during the 1986/87 Promotion Review Exercises)
Judgement AT/DEC/619

New York, 26 October to 9 November 1993

Mr. Ackerman, President
Mr. Voicu
Mr. Balanda

* * *

Case No. 673: Heaps (1)
Case No. 681: Heaps (2)

(Heaps against the Secretary-General of the International Maritime Organization)
(Claim by IMO staff member that the decisions not to extend his fixed-term appointment and to place in his file a periodic report of "questionable" validity, violated his terms of appointment)
Judgement AT/DEC/631

New York, 3 to 19 November 1993

Mr. Sen, presiding
Mr. Balanda
Mr. Spain

* * *

Case No. 674: Berliner

(Berliner against the Secretary-General of the United Nations)
(Claim by General Service staff member assigned to the United Nations Staff Union to discharge tasks relating to the security and independence of international civil servants, that she should have been considered as performing functions at the Professional level)
Judgement AT/DEC/625

New York, 28 October to 12 November 1993

Mr. Sen, presiding
Mr. Thierry
Mr. Spain

* * *

Case No. 675: Gripari

(Gripari against the Secretary-General of the United Nations)
(Claim by former UNDP staff member that he is entitled to after-service health insurance)
Judgement AT/DEC/620

New York, 27 October to 9 November 1993

Mr. Ackerman, President
Mr. Sen
Mr. Balanda

* * *

Case No. 676: Selvadurai

(Selvadurai against the Secretary-General of the United Nations)
(Claim by former UNEP staff member that the decision by the Executive Director not to extend his fixed-term appointment after 20 years of service was arbitrary and attributable to disagreements with his First Reporting Officer)
Judgement AT/DEC/626

New York, 28 October to 12 November 1993

Mr. Posadas, presiding
Mr. Voicu
Mr. Spain

* * *

Case No. 678: Leo

(Leo against the Secretary-General of the United Nations)
(Claim by United Nations staff member for rescission of decisions to reassign him and to suspend him pending an investigation into his dealings with outside consultants and the work performed by them)
Judgement AT/DEC/615

New York, 19 October to 3 November 1993

Mr. Ackerman, President
Mr. Thierry
Mr. Spain

* * *

Case No. 679: Clavel
Case No. 680: Sallier

(Clavel and Sallier against the Secretary-General of the United Nations)
(Claim by former United Nations General Service staff members that adverse consequences with respect to their salary and pensionable remuneration subsequent to their promotion to the P-2 level, were contrary to the notion of promotion as defined in the Staff Rules and therefore should be remedial)
Judgement AT/DEC/629

New York, 2 to 17 November 1993

Mr. Posadas, presiding
Mr. Balanda
Mr. Thierry

* * *

Case No. 683: Sirakyan

(Sirakyan against the Secretary-General of the United Nations)
(Claim by UNOV staff member for rescission of disciplinary decision to demote him)
Judgement AT/DEC/616

New York, 1 to 3 November 1993

Mr. Ackerman, President
Mr. Thierry
Mr. Spain

* * *

Case No. 684: Muhtadi

(Muhtadi against the Commissioner General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East)
(Claim by UNRWA local staff member against decision to terminate his appointment on grounds of disability)
Judgement AT/DEC/624

New York, 1 to 12 November 1993

Mr. Sen, presiding
Mr. Thierry
Mr. Spain

* * *

Case No. 686: Mughir

(Mughir against the Secretary-General of the United Nations)
(Claim by former General Service staff member that her post was abolished, not for financial reasons, but in order to terminate her appointment, and that she did not receive proper consideration for a career appointment)
Judgement AT/DEC/632

New York, 27 October to 19 November 1993

Mr. Ackerman, President
Mr. Posadas
Mr. Voicu

* * *

Case No. 688: Shkukani

(Shkukani against the Commissioner General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East)
(Claim by former UNRWA staff member that the decision to terminate his appointment was improper because it was wrongly based on unproven allegations of misconduct)
Judgement AT/DEC/628

New York, 2 to 17 November 1993

Mr. Sen, presiding
Mr. Thierry
Mr. Spain

* * *

Copies of the judgements will be available at Documents Distribution.

V. SCHEDULE FOR 1994 SESSIONS

6. Taking into consideration the number of cases already submitted to it, the Tribunal decided that the first ordinary session, referred to in article 6, paragraph 2, of its rules, would be held in Geneva beginning 20 June 1994, and that its second session would be held at Headquarters during the last quarter of 1994, pursuant to articles 5.1 and 6.2 of its rules.